

DOCKET NO. 47692-00003USPT (WORK02-00002)

PATENT

Customer No. 23990

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: : John Thomas Amend
Serial No. : 09/724,710
Filed : November 28, 2000
For : REAL ESTATE MARKETING AND PROVISIONING
Group No. : 3624
Examiner : A.L. Bashore

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MAIL STOP NON-FEE AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

In response to the Restriction Requirement mailed December 30, 2003, Applicants provisionally elect the claims of Group 1, claims 1-23, WITH TRAVERSE.

The Restriction Requirement asserts that the inventions in the seventeen different groups are unrelated. The term "independent" (i.e., not dependent) means that there is no disclosed relationship between the two or more subjects disclosed--that is, they are unconnected in design, operation, or effect. MPEP § 802.01, p. 800-3 (8th ed. rev. 1 February 2003). In the present application, at least the claims of Groups 1-3 are NOT independent. Pending independent claims 1, 24 and 36 of Groups 1 and 2 are all directed to use of at least a real estate demand database. Pending claims 2 and 26 of

Groups 1 and 2, respectively, are both directed to forming the real estate demand database from nonbinding specifications of desired real estate characteristics.

The Restriction Requirement makes the factually-unsupported assertion that “the different inventions of each group may be used independently of each other and also have separate effects in the art.” Paper No. 16, page 4. However, the applicable standard for “independent” inventions is that the inventions have no relationship, and are unconnected in design, operation, or effect, NOT “capable of” independent use. Furthermore, Examiners must provide reasons or examples to support conclusions; mere conclusory statements are insufficient. MPEP § 803.01, p. 800-4. In addition, applicant notes that each of the seventeen groups is classified in class 705, subclass 37.

If any issue arises, or if the Examiner has any suggestions for expediting allowance of this application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *dvenglarik@davismunck.com*.

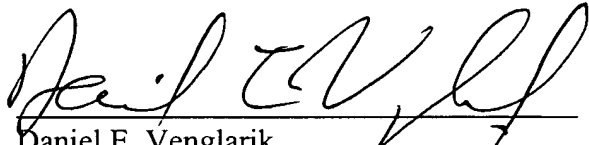
The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

DAVIS MUNCK, P.C.

Date: _____

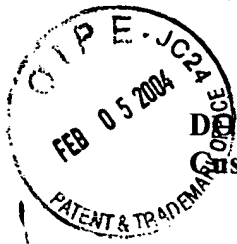
1-30-04



Daniel E. Venglarik
Registration No. 39,409

P.O. Drawer 800889
Dallas, Texas 75380
Phone: (972) 628-3600
Fax: (972) 628-3616
E-mail: *dvenglarik@davismunck.com*

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DECKET NO. 47692-00003USPT (WORK02-00002)
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PATENT #17
2/24/04

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CERTIFICATE OF MAILING BY FIRST CLASS MAIL

Sir:

The undersigned hereby certifies that the following documents:

1. Response to Restriction Requirement; and
2. A postcard receipt;

relating to the above application, were deposited as "First Class Mail" with the United States Postal Service, addressed to MAIL STOP NON-FEE AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on January 30, 2004.

Date: 1-30-04

Mailer

Date: 1-30-04

Daniel E. Venglarik
Reg. No. 39,409

P.O. Drawer 800889
Dallas, Texas 75380
Phone: (972) 628-3600
Fax: (972) 628-3616
E-mail: dvenglarik@davismunck.com